

Appl. No. 10/729,727
Amdt. dated April 1, 2005
Reply to Office Action of November 3, 2004

REMARKS/ARGUMENTS

Claims 1, 2, 4, 6, 11 - 14, 16 and 17 remain in the application for consideration. Reconsideration of the application is requested in view of the amendments made in the claims and the statements appearing below herein.

1. Claim 1, directed to an indicia-bearing article, has been amended by incorporating therein the embodiments originally present in claims 3 and 5. Similarly, claim 11, directed to a method for forming an indicia-bearing article, has been amended by incorporating therein the embodiments originally recited in claims 15 and 22.

2. Claims 1, 2, 7 - 12, 14 and 18 - 22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Publication No. 2002/0001847 ("Elhard et al.").

Applicants traverse this ground of rejection. The reference does not teach each and every element of the claims, as amended. Elhard et al. teaches a solvent-activated color-forming composition which includes a solvent-absorbing material, a color former compounded with the solvent-absorbing material, where the color former functions as a metal chelating agent and metal ions capable of forming a chelate complex with the color former as the solvent-absorbing material absorbs a

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solvent. Specifically, the reference does not teach a color-forming composition where one of the color-forming components is an acid-sensitive leuco dye and another component is an acid developer.

Reconsideration of this ground of rejection and withdrawal thereof are respectfully requested.

3. Claims 23 - 26 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,922,115 ("Sano et al.").

This rejection is moot in view of the cancellation of these claims.

4. Claims 1 - 4, 6, 7, 11 and 14 - 18 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,358,160 B1 ("Winskowicz"). In support of the rejection the examiner has stated that reference teaches a golf ball which changes color or other indicia after significant immersion in water to indicate that the ball has been recovered and further, that the imprints on the ball are made with a water-activated ink composition which includes a dye.

Applicants traverse this ground of rejection. The reference does not teach each and every element of the claims, as amended. Winskowicz does teach, as the examiner has pointed out, incorporating a dye in the composition used to imprint the indicia on a golf ball. However, the reference does not teach or suggest using

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the combination of color-forming components recited in amended claim 1 in such a composition. The reference teaches the use of discrete dyes and not combinations of color-forming materials.

Reconsideration of this ground of rejection and withdrawal thereof are respectfully requested.

5. Claims 5 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Winskowicz. In support of this ground of rejection the examiner has asserted that it would have been obvious to one of ordinary skill in the art in view of the reference to use an acid dye.

Applicants' traverse this ground of rejection. The examiner has acknowledged that Winskowicz does not teach the use of an acid-sensitive leuco dye in combination with an acid developer. In addition, the reference, as pointed out above, does not anywhere suggest using an ink composition which includes a combination of two or more color-changing or color-forming components to form indicia on an article. Thus, the reference lacks the requisite suggestion needed to properly support a rejection under Section 103. One skilled in the art and knowing of this reference would not find any suggestion therein to do what applicants have done.

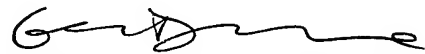
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6. The rejection of claims 27 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Sano et al. is moot in view of the cancellation of those claims.

In summary, claims 1, 2, 4, 6, 11 - 14, 16 and 17 remain in the application for consideration and have been shown to be patentably distinguishable over the prior art of record. Reconsideration of the application and allowance of the claims are respectfully requested.

Respectfully submitted,



Gaetano D. Maccarone
Registration No. 25,173

Polaroid Corporation
Patent Department
1265 Main Street
Waltham, MA 02451
Tel.: 781-386-6405
Fax: 781-386-6435

CERTIFICATE OF MAILING

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Date: April 1, 2005


Gaetano D. Maccarone
Registration No. 25,173